



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Environmental Justice News for the Week Ending April 6, 2003

FROM: Nicholas Targ, Counsel
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This summarizes environmental justice related news for March 31, 2003, through the week ending April 6, 2003. Except as noted, this review is confined to Lexis/Nexis queries conducted under the following search: "(environment! w/2 (justice or racism or equity or disproportionate or disparate)) or (environment! w/50 minorit! or low***income) or (executive order 12898) or (civil right! w/50 environmental)". Please note that we have not included multiple articles covering the same topic or articles pertaining to international or foreign-based environmental justice issues, unless they have a direct connection to the United States.

For the week ending April 6, 2003, the following news is current:

A. News-

1. Mike Taugher, "Richmond has a Crusader for Environmental Justice," Contra Costa Times, Walnut Creek, California (March 31, 2003).

"For years, it has been Henry Clark's voice above all others that has insisted to anyone who will listen - and to those who won't - that Richmond residents suffer a grave injustice: The poor and people of color are forced to breathe the most polluted air," the article states. The article also reports on Clark's complaints that area refineries emit more pollution into the air than had been previously recognized. According to the article, Clark's assertions were tentatively validated by air district engineers. Dean O'Hair, a Chevron Texaco refinery spokesman, "said his company embraces the idea of environmental justice, but he disputed the charge that poor people or any particular ethnic group are unjustly affected around the refinery. Point Richmond, for example, has million-dollar homes."

2. Tom Wilemon, "Environmental Leader Supports Residents' Fears; Sierra Club should rally for North Gulfport, she says," The Sun Herald, Biloxi, Mississippi (April 1, 2003).

At a City of Gulfport public hearing, residents expressed concerns regarding plans to develop a 350-acre retail development in a predominantly Black community. The residents also voiced concern regarding potential flooding that may be caused by an expansion of the Gulfport-Biloxi Regional Airport.

3. Cindy George, "Driving Toward Renewal," News Observer, Raleigh, North Carolina (April 1, 2003).

"Raleigh city leaders have agreed to pay for a wetland educational park at Walnut Creek as part of a redevelopment activity. The park is being advocated by the Chairman of the South Citizens Advisory Council Norman Camp and by Partners for Environmental Justice." The park is part of a overall initiative, sponsored by a public-private partnership, to revitalize the area. "The [minority, low-income] corridor, a mile from downtown Raleigh, can no longer be ignored as a key part of the economic redevelopment strategy for the city's southeast section," a spokesman for the partnership is quoted as saying.

4. Editorial, "Consider This," The Post-Standard, Syracuse, New York (April 1, 2003).

The editorial states that, "The state Department of Environmental Conservation's new environmental-justice policy is long overdue, a welcome step that will give voice to residents in low-income and minority neighborhoods." The newspaper continues, "Too many of these neighborhoods have become home to harsh environmental hazards. Often, huge projects like highways and incinerators are built there because residents don't have the political clout to stop them."

5. David Quick, "Hungryneck Boulevard. Project to Begin Soon," The Post and Courier, Charleston, South Carolina (April 2, 2003).

Local residents continue to object to the planned construction of a 1.7 mile road. The road would disrupt a longtime established, close-knit Black community, known as the Four Mile Community, according to the article.

6. Cicely Bland, "Environmental racism draws fire from residents," Miami Times, Miami, Florida (April 3, 2003).

"Neighborhood residents are furious over illegal dumping next to their homes and behind Henry E. S. Reeves Elementary School." According to the article, the Little River residents are among many low-income and minority communities in the Miami area "angered by the overburdening of their neighborhoods with pollution from abandoned waste sites, illegal dumping and incinerators." The article reports that the Miami-Dade Police Department, Environmental Crimes Division, investigated the site and determined that illegal dumping had occurred.

7. Dave Bryan, "Blacks Organize to Prevent Becoming Victims of Environmental Racism," Washington Post, Washington, District of Columbia (April 6, 2003).

"David Baker recalls the upheaval in his hometown of Anniston in the 1990s when many residents realized their health and property had been contaminated by toxic PCBs from a nearby

chemical plant.” The article states that Baker and others, in his predominantly low-income, Black part of town, formed an advocacy group, Community Against Pollution, to seek damages and remediation. The article also reports that, in recent years, citizen groups like Mr. Baker’s have been established to fight "environmental racism." Robert Bullard, a sociology professor at Clark Atlanta University, is quoted as saying, “Companies now don't just bully in and when they do, they're in for a rude awakening. There is no path of least resistance any more."

B. Legislation/Policy–

1. Texas, H.B. 3078. Introduced by George “Buddy” West (R-Odessa) on March 14, 2003.

Status: referred to House Committee on Natural Resources, March 28, 2003.

The summary accompany the bill provides that the bill relates “to state agency action to identify and address disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. **[NT NOTES: In large part, the bill appears to be based on the language of Executive Order 12898.]**

Status update: <<http://www.capitol.state.tx.us/tlo/reports/subject/78R/I0385.HTM>>

Text of bill: <<http://www.capitol.state.tx.us/tlo/78R/billtext/HB03078I.HTM>>

C. Litigation, Agency Decisions–

In re: ExxonMobil Corporation, 2003 SEC No-Act. LEXIS 487 (March 24, 2003).

The Securities and Exchange Commission (SEC) denied an ExxonMobil Corporation request for concurrence on the Corporation’s intention to omit from its proxy materials a shareholder resolution submitted by the Sierra Club. Rejecting ExxonMobil’s request without specific analysis, the SEC opined, “we do not believe that ExxonMobil may omit the proposal from its proxy materials in reliance on rule[s referenced]...” The proposed resolution "...request[s] that Board of Directors prepare a report, at reasonable cost and omitting proprietary information, on the environmental and human rights impacts associated with the company's proposed \$ 100 billion prospecting, drilling and early production projects, and that this report be available by the fall of 2003." In its statement of support, the Sierra Club alleges, among other things, that the company faces, “a lawsuit alleging complicity in human rights abuses in Indonesia[and,] criticism from minority communities such as in Texas and Louisiana for refinery pollution....” This statement is disputed by ExxonMobil.